

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

E.I. DU PONT DE NEMOURS AND CO.
and
KENNETH SANDEL,
Defendants.

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Crim. No. H-21-16

AGREED MOTION FOR PROTECTIVE ORDER

In an effort to analyze potential settlement of this matter, the United States and E.I. du Pont de Nemours & Co. (“DuPont”), jointly ask the Court for a Protective Order under which DuPont will provide unredacted copies of civil settlement agreements entered with the families of employees killed in the November 15, 2014 incident, the terms of which are confidential, to the United States. The proposed order is attached hereto.

Respectfully submitted,
Alamdar Hamdani
United States Attorney

By: //John R. Lewis//
JOHN R. LEWIS
Assistant United States Attorney

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PROTECTIVE ORDER

With the agreement of the parties, the Court enters the following Protective Order pursuant to the Court's authority under Fed. R. Crim. P. 16(d)(1):

Defendant E.I. du Pont de Nemours & Co. ("DuPont") is charged with violations of 42 U.S.C. §§ 7413(c)(1) and 7413(c)(4) and the United States has requested discovery regarding prior restitution paid by DuPont.

The discovery to be provided by DuPont contains the civil settlement agreements that DuPont entered with families of employees killed in the November 15, 2014, incident (hereinafter "Protected Information").

The materials provided pursuant to this Protective Order will be marked by the DuPont as "Protected Material – Subject to Court Order" and may only be used for the specific purpose of analyzing potential settlement in this matter unless specifically authorized by the Court.

The U.S. Attorney's Office, their investigators (including the relevant Environmental Protection Agency's Criminal Investigation Division case agent), assistants, employees and contractors (collectively, "the prosecution team") may review the Protected Information with the Defendants in the above-entitled case.

The U.S. Attorney's Office may also provide copies of Protected Information to any consultants or experts retained to assist with the analysis of potential settlement in the captioned case. The U.S. Attorney's Office shall ensure that the U.S. Attorney's Office, all members of the prosecution team, and any consultants, or experts who receive Protected Information under this Order shall be provided a copy of this Order along with those materials.

This Order shall also apply to any copies made of any materials covered by this Order.

The U.S. Attorney's Office shall return materials subject to this Protective Order (including any copies) to defense counsel within 14 days after whichever event occurs last in time: dismissal of all charges against the defendant; defendant's acquittal; defendant's sentencing; or the conclusion of any direct appeal. This stipulation is without prejudice to either party applying to the Court to modify the terms of any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either party even after the conclusion of district court proceedings in this case.

Signed January ___, 2023 at Houston, Texas.

LEE H. ROSENTHAL
United States District Judge